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**HOULTON BAND OF MALISEET INDIANS
ROUTE 3, BOX 450
HOULTON, MAINE 04730**

February 29, 2000

Mr. Stephen J. Silva
USEPA, Region 1
Manager, Maine State Program
One Congress St. Suite 1100
Boston, MA. 02114

Dear Mr. Silva:

This letter constitutes our comments and concerns - as a part of the public comment process - regarding the State of Maine's application to the Environmental Protection Agency (EPA) for authorization to administer the National Pollution Discharge Elimination System (NPDES) within state boundaries - including tribal lands. We strongly oppose the State's request to implement a NPDES program on tribal lands. We do so for a number of reasons.

First of all HBMI, a federally recognized Indian tribe, has an inherent and fundamental right and responsibility as a sovereign nation to protect the health and welfare of our people and thus our environment. Maine asserts their authority to regulate the Tribe's lands under the terms of the Maine Indian Claims Settlement Act (MICSA). However, when agreeing not to oppose MICSA in 1980, HBMI did not give up the right and responsibility to regulate their own environment, but simply agreed to negotiate specific terms of this responsibility with the State at a later date (see the enclosed legal analysis). I have also enclosed a copy of pending DRAFT legislation demonstrating that HBMI is exercising our right to enter into this kind of negotiation with the State. As part of this negotiation process the Maine State Planning Office submitted a list of questions to the Band (see enclosed correspondence) for which they require answers before the executive branch of Maine state government will support the aforementioned legislation. These questions we believe reflect the State's own uncertainty regarding environmental jurisdiction on tribal lands under MICSA.

As indicated in our legal analysis, Federal recognition and its accompanying trust relationship provided under MICSA was critical to the Band's decision not to oppose this Act. Since the passage of MICSA in 1980, HBMI has relied on the federal trust responsibility to help us exercise our right and responsibility to protect our environment. We contend that if EPA were to approve the State's application to run the NPDES program on tribal lands, such an action would virtually eliminate EPA's ability to act to protect the Tribe's interest in clean water as a trustee of tribal resources.

EPA cannot define its federal trust responsibility to the Band solely as a theoretical and abstract legal concept. The Agency must also include within its Trust relationship with HBMI the practical and realistic tools necessary for its implementation. If EPA chooses to dissolve its own NPDES program on tribal lands in favor of a state-run program it will lose this important tool. The Agency will also give up the opportunity to consult with HBMI under the National Environmental Policy Act (NEPA) if a new wastewater discharge is proposed. With the loss of these two vehicles for implementing trust, EPA's ability to honor its trust obligation will be significantly weakened if not lost altogether.

I have enclosed a summary of our water resource concerns including water quality data with respect to upstream point source discharges. I think this information makes clear that EPA has failed to provide adequate protection for our water as a trust resource even while it still retains responsibility for the NPDES

program in Maine. This experience supports our assertion that EPA could not fulfill their trust obligation if they give NPDES program responsibility to the State of Maine.

Finally, EPA must align its federal trust relationship to the strong cultural connection HBMI has with its environment and, in particular, to the River (enclosed documentation) if the Agency is to honor its trust obligation. The Meduxnekeag River is an integral part of Maliseet cultural heritage and contributes significantly to the quality of life of Band members. In the Maliseet's historic and prehistoric past, the Tribe relied heavily on the St. John River and its tributaries for sustenance and travel. Village sites were usually located on or near the River or its smaller tributaries. Evidence of prehistoric activities at least as old as 8,000 years exists in fields along the river. The Band chose to purchase trust land adjacent to the Meduxnekeag River, a tributary of the St. John and to site the new tribal community on a site with a view of the Meduxnekeag. They presently gather food and materials along its banks and fish its waters. HBMI has a unique definition of environmental protection based on its spiritual and cultural values and uses of the environment and natural resources. Unlike EPA, the State of Maine does not recognize, respect, nor have the legal responsibility to protect HBMI's environment as the Band would. The fact that EPA has failed to protect the Tribe's interest in water quality even under the State's more limited definition of environmental protection (i.e. state water quality classification standards) while it retains the NPDES program, demonstrates the impossibility that EPA will honor its trust obligation to the standard required to protect tribal cultural values and uses of the River without this program.

Protecting the health and welfare of the Maliseet community means among other things maintaining our cultural connection to the environment. HBMI trust lands are an already extremely limited resource with which to accomplish this goal. Degraded water quality further limits the Band's ability to maintain this connection. The Band cannot pick up its trust resources and move them away from threats to environmental quality. Conversely, if the Band moves away from our trust lands, we lose any ability to maintain our community and our cultural values. Only the federal government has the legal fiduciary responsibility to protect the Tribe's interest in its water resources. Only through the trust relationship has HBMI any hope of sustaining its community and its culture. We ask you to honor your trust obligation and retain the NPDES program for tribal waters in Maine.

Sincerely,

Brenda Commander

Brenda A. Commander
Tribal Chief

Enclosures (5)

Cc: Mr. Gregory Sample, consulting attorney

LEGAL ANALYSIS for HBMI
re: Maine's request to EPA for authorization
of a NPDES program to include Tribal Lands

In its statement of jurisdiction to the EPA, the State bases much of its argument concerning its authority over tribal lands on its view that the Maine tribes are not eligible for "treatment as a state" under the Clean Water Act. Whether or not that argument is sound, it fails to address a substantial and important tribal interest in the surface waters associated with the trust lands of the Houlton Band of Maliseet Indians. The Band opposes Maine's request for NPDES delegation on the ground that the State's authority over Houlton Band trust land is an issue that Congress expressly left to future resolution and the State therefore lacks adequate authority over the Band's land.

The 1980 Maine Indian Claims Settlement Act left open the question of whether, and to what extent, the Houlton Band of Maliseet Indians would be empowered to govern its members and its trust lands as a tribal government. Prior to the Settlement Act, the Houlton Band had not been federally recognized. The State of Maine took the position that the land acquired by the Houlton Band of Maliseet Indians with federal funds under the Settlement Act should "be absolutely similar to any other private property in the State of Maine." *Proposed Settlement of Maine Indian Land Claims: Hearings on S.2829 Before the Select Committee on Indian Affairs of the United States Senate*, 96th Cong. 167-68 (1980)¹ (hereinafter, "*1980 Senate Hearings*") (statement of Maine Attorney General Richard Cohen). Responding to questioning from Maine Senator William Cohen, Maine's Attorney General stated that if Congress were to provide for a trust relationship with the Band, "it could seriously jeopardize the entire proposed settlement." *Id.* at 168. The Houlton Band of Maliseet Indians, however, conditioned its support for the Settlement Act on the inclusion of federal trust protection for the Band's lands. *See 1980 Senate Hearings* at 440 (Prepared Statement of Terry Polchies, Authorized Representative, Houlton Band of Maliseet Indians).

Despite the strong position taken by the State, Congress rejected the notion of the Band as a mere private landowner, recognized the Band as an Indian tribe, and provided that lands purchased with its Settlement Fund would be eligible for trust status. 25 U.S.C. § 1724(d)(3) & (4). The Houlton Band of Maliseet Indians has since acquired a land base which is held in trust by the United States. *See* 25 U.S.C. § 1724, Historical and Statutory Notes, setting out text of Houlton Band of Maliseet Indians Supplementary Claims Settlement Act of 1986, Pub.L. 99-566.

¹U.S. Government Printing Office, No. 69-801 O (1980).

It is plain from the text of the State Implementing Act and the federal Settlement Act, as well as from the legislative history of the Settlement Act, that all parties contemplated that jurisdiction over the Houlton Band and Maliseet lands was subject to continued negotiations between the State and the Band. The Settlement Act specifically provides that “the State of Maine and the Houlton Band of Maliseet Indians are authorized to execute agreements regarding the jurisdiction of the State of Maine over lands owned by or held in trust for the benefit of the band or its members.” 25 U.S.C. § 1725(e)(2). The Implementing Act prohibits the Band’s exercise of criminal or civil jurisdiction within its lands, and denies the Band treatment as a municipality, but only “prior to the enactment of additional legislation specifically authorizing the exercise of those governmental powers.” 30 M.R.S.A. § 6206-A (emphasis added). These provisions clearly negate any suggestion that the jurisdictional scheme provided for in 1980 was meant to remain static. Neither Act forecloses the future exercise of the Houlton Band’s governmental power within the Band’s trust lands; to the contrary, both Acts contemplate future tribal jurisdiction.

This comports with the limited legislative history on this point. When asked by Senator Cohen whether the Band retained civil or criminal jurisdiction over its members, Secretary Andrus stated that the issue was ambiguous. Senator Cohen then stated “I am just not sure exactly what the relationship with that band is going to be – between the Federal Government and the State under this particular agreement for the future in terms of Federal programs or in terms of criminal or civil jurisdiction.” *1980 Senate Hearings*, at 128. As his testimony cited above documents, Maine’s Attorney General opposed any trust relationship with the Band; Congress provided for a trust relationship despite the State’s opposition. Perhaps even more to the point, while opposing provisions for a trust relationship in the 1980 Settlement Act itself, Maine’s Attorney General stated:

The vast majority of Maliseets reside not in Maine, but in Canada. For that reason the State has been unwilling to make any jurisdictional concessions to the Maliseets. The Interior Department does not even recognize them as a tribe or band, and we would find totally unacceptable any amendments which would grant special status to this group in any respect. While we have indicated to them our willingness to discuss this matter in the future, we do not think it appropriate that Congress grant them special rights and exemptions from State law without specific State consent.

1980 Senate Hearings, at 163 (emphasis added).² The clear import of this statement is that while the State was unwilling to accept the (then unrecognized) Houlton Band of Maliseet Indians' jurisdiction at the time, it was willing to negotiate with the Band over the application of State laws at a later date, *and had already so informed the Band*.

Granting the State NPDES jurisdiction over Houlton Band's trust land could be interpreted as administratively extinguishing the legitimate expectation of the Band that it will be able to negotiate with the State for the exercise of jurisdiction over its trust land. Extinguishing this expectation is inconsistent with the language of the Settlement Act and the intent of Congress in providing trust status for the Band's resources in the face of the State's opposition, as well as with the language of the Implementing Act and the representations made to the Band by the State in 1980. In fact, a proposed amendment to the Implementing Act is currently before the Maine Legislature; the amendment would give the Houlton Band of Maliseet Indians the same status, under Maine law, as the Passamaquoddy Tribe and Penobscot Nation. *An Act to Amend the Act to Implement the Maine Indian Claims Settlement Concerning the Houlton Band of Maliseet Indians*, L.D. 2178 (119th Legis. 2000). The Houlton Band would be exempt from State law when exercising its sovereign power to govern regarding "internal tribal matters," would have the authority to enact ordinances regulating the use of its land, and may have protected sustenance fishing rights.

Given the unsettled status of State and tribal jurisdiction over the Houlton Band's trust land, the State's assertion of complete jurisdiction over the Band's land for Clean Water Act purposes is an abandonment of its representations to the Band and to Congress in 1980, and it would be inconsistent with the language and intent of the 1980 Settlement Acts for EPA to delegate to the State NPDES jurisdiction over Houlton Band waters.

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²Since this statement was made, the Houlton Band of Maliseet Indians was recognized by the federal government as an Indian tribe in the Settlement Act, and is therefore eligible for federal benefits, and is the beneficiary of a trust relationship with the United States. See 25 U.S.C. § 1725(i).

L.D. 2178; Product of Negotiations between HBMI and Evan Richert

This draft contains the text of the L.D. 2178 as the Houlton Band of Maliseet Indians would like to see it. The Houlton Band of Maliseet Indians has been negotiating with Evan Richert for several months, and much that was in dispute has been resolved. Those issues that linger have to do with the following:

- Beano - - - whether the Houlton Band of Maliseet Indians should have to obtain the consent of the towns of Houlton and Littleton to operate such a high stakes beano facility.
- Future acquisitions of territory. The Houlton Band of Maliseet Indians wants to be able to acquire territory beyond their existing 807 acres - - - by only having to get the local town's approval for doing so. With respect to land contained within an unorganized township, the Houlton Band of Maliseet Indians would like to have such lands, once purchased, be territory without any approval (other than having the Secretary of the Interior certify to the Maine Secretary of State that said lands are held in trust).
- Sustenance Fishing is no longer an issue. The Houlton Band of Maliseet Indians has agreed to hold off on seeking said right until a later date.
- Joint Memorandum of Agreement with State? Houlton Band of Maliseet Indians has discussed such an agreement with Mr. Richert. This agreement has not been resolved. Mr. Richert has suggested that his support for this bill is likely dependent upon this agreement being reached.

1. 30 M.R.S.A. § 6202. Amend the second to last paragraph to read as follows:

The foregoing agreement between the Indian claimants and the State also represents a good faith effort by the Indian claimants and the State to achieve a just and fair resolution of their disagreement over jurisdiction on the present Passamaquoddy, Penobscot Indian reservations and in the claimed areas. To that end, the Passamaquoddy Tribe and the Penobscot Nation have agreed to adopt the laws of the State as their own to the extent provided in this Act. ~~The Houlton Band of Maliseet Indians and its lands will be wholly subject to the laws of the State.~~ The Houlton Band of Maliseet Indians also has agreed to adopt the laws of the State as their own to the extent provided in this Act.

2. 30 M.R.S.A. § 6203 (2-A) shall be amended as follows:

2-A. Houlton Band Trust Land. "Houlton Band Trust Land" means land or other natural resources acquired by the secretary in trust for the Houlton Band of Maliseet Indians, in compliance with the terms of this Act and ~~the Maine Indian Claims Settlement Act of 1980, United States Public Law 96-420~~ the Houlton Band of Maliseet Indians Supplementary Claims Settlement Act of 1986, United States Public Law 99-566, with ~~moneys~~ money from the original \$900,000 congressional appropriation and interest thereon deposited in the Land Acquisition Fund established for the Houlton Band of Maliseet Indians pursuant to ~~United States Public Law 96-420, Section 5, United States Code, Title 25, Section 1724,~~ the Maine Indian Claims Settlement Act of 1980, United

States Public Law 96-420 Section 5, United States Code, Title 25, Section 1724, or with proceeds from a taking of Houlton Band Trust Land for public uses pursuant to the laws of this State or the United States.

2-B. Houlton Band of Maliseet Indians territory. Except for those lands described in section 6205-B, subsection 1, "Houlton Band of Maliseet Indians territory" means that territory defined by section 6203, subsection 2-A.

3. Add § 6205-B. Houlton Band of Maliseet Indian Territory.

The following lands within the State are known as the Houlton Band of Maliseet Indians territory:

1. Existing lands in Houlton and Littleton. Land in the towns of Houlton and Littleton containing approximately 807 acres, acquired by the secretary for the benefit of the Houlton Band of Maliseet Indians prior to December 31, 1999, upon a finding by the Commission that (1) the town or towns or other governmental districts have the capacity to provide such municipal services that the Houlton Band of Maliseet Indians needs to have provided by such town, towns or other governmental districts, and (2) the Houlton Band of Maliseet Indians has demonstrated a willingness and ability to pay for such services at a rate that is reasonable and commensurate with what one town or other governmental district charges another for such services in the region.
2. Additional land. In addition to land described in subsection 1, land acquired by the secretary for the benefit of the Houlton Band of Maliseet Indians to the extent that those lands are not to be held in common with any other person or entity and are certified by the secretary as held for the benefit of the Houlton Band of Maliseet Indians.
3. Takings under laws of the State. If land within Houlton Band of Maliseet Indians territory is taken for public use in accordance with the laws of the State the money received for said land shall be reinvested in other lands within 2 years of the date on which the money is received. To the extent that any moneys received are so reinvested in land with an area not greater than the area of the land taken and located within an unorganized or unincorporated area of the State, the lands so acquired by such reinvestment shall be included within the Houlton Band of Maliseet Indians territory without further approval by the State. To the extent that any moneys received are so reinvested in land within area greater than the area of the land taken and located within an unorganized or unincorporated area of the State, the band shall designate, within 30 days of such reinvestment that portion of the land acquired by such reinvestment, not to exceed the area taken, which shall be included within the band's Indian Territory. No land acquired pursuant to this paragraph shall be included within Indian Territory until the Secretary of Interior has certified, in writing, to the Secretary of State the location and boundaries of the land acquired.

4. **Takings under the laws of the United States.** In the event of a taking of land within the Houlton Band of Maliseet Indians territory for public uses in accordance with the laws of the United States and the reinvestment of the money received from such taking within 2 years of the date which the moneys are received, the status of the lands acquired by such reinvestment shall be determined in accordance with subsection 2.
5. **Limitations.** No lands held or acquired by or in trust for the Houlton Band of Maliseet Indians, other than those described in subsections 2, 3 and 4, shall be included within or added to the Houlton Band of Maliseet Indians territory unless those provisions contained within § 6205-A, subsection 1 are complied with.

Any lands within the Houlton Band of Maliseet Indians territory, the fee to which is transferred to any person who is not a member of the band, shall cease to constitute a portion of Indian territory and shall revert to its status prior to the inclusion thereof within Indian territory.

4. Delete 30 M.R.S.A. § 6206-A, and modify 30 M.R.S.A. § 6206 to read as follows:

1. **General Powers.** Except as otherwise provided in this Act, the Passamaquoddy Tribe, ~~and the Penobscot Nation and the Houlton Band of Maliseet Indians~~, within their respective Indian territories, shall have, exercise and enjoy all the rights, privileges, powers and immunities including, but without limitation, the power to enact ordinances and collect taxes, and shall be subject to all the duties, obligations, liabilities and limitations of a municipality of and subject to the laws of the State, provided, however, that internal tribal matters, including membership in the respective tribe or nation, the to reside with the respective Indian territories, tribal organization, tribal government, tribal elections and the use or disposition of settlement fund income shall not be subject to regulation by the State. The Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians shall designate such officers and officials as are necessary to implement and administer those laws of the State applicable to the respective Indian territories and the residents thereof. Any resident of the Passamaquoddy Indian territory, ~~or the Penobscot Nation territory or the Houlton Band of Maliseet Indians territory~~ who is not a member of the respective tribe, nation or band nonetheless shall be equally entitled to receive any municipal or governmental services provided by the respective tribe, nation or band or by the State, except those services which are provided exclusively to members of the respective tribe, nation or band pursuant to state or federal law, and shall be entitled to vote in national, state and county elections in the same manner as any tribal member residing within Indian territory.
2. **Power to sue and be sued.** The Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and their members may sue and be sued in the courts of the State to the same extent as any other entity or person in the State provided, however, that the respective tribe, nation or band and its officers and employees shall be immune from suit when the respective tribe, nation or band is

acting in its governmental capacity to the same extent as any municipality or like officers or employees thereof within the State.

3. **Ordinances.** The Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians each shall have the right to exercise exclusive jurisdiction within its respective Indian territory over violations by its members of either tribe, nation or band of tribal ordinances adopted pursuant to this section or section 6207. The decision to exercise or terminate the jurisdiction authorized by this section shall be made by each tribal governing body. Should either tribe, nation or band choose not to exercise, or to terminate its exercise of, jurisdiction as authorized by this section or section 6207, the State shall have exclusive jurisdiction over violations of tribal ordinances by members of either tribe, nation or band within the Indian territory of that tribe, nation or band. The State shall have exclusive jurisdiction over violations of tribal ordinances by persons not members of either tribe, nation or band.
4. 30 M.R.S.A. § 6207. Allows Houlton Band of Maliseet Indians to regulate their lands for hunting, trapping and fishing.
 - 1) **Adoption of ordinances by tribe.** Subject to the limitations of subsection 6, the Passamaquoddy Tribe, ~~and the Penobscot Nation~~ and the Houlton Band of Maliseet Indians each shall have exclusive authority within their respective Indian territories to promulgate and enact ordinances regulating:
 - A. Hunting, trapping or other taking of wildlife; and
 - B. Taking of fish on any pond in which all the shoreline and all submerged lands are wholly within Indian territory and which is less than 10 acres in surface area.

Such ordinances shall be equally applicable, on a nondiscriminatory basis, to all persons regardless of whether such person is a member of the respective tribe, nation or band provided, however, that subject to the limitations of subsection 6, such ordinances may include special provisions for the sustenance of the individual members of the Passamaquoddy Tribe, ~~or the Penobscot Nation~~ or the Houlton Band of Maliseet Indians. In addition to the authority provided by this subsection, the Passamaquoddy Tribe, ~~and the Penobscot Nation~~ and the Houlton Band of Maliseet Indians, subject to the limitations of subsection 6, may exercise within their respective Indian territories all the rights incident to ownership of land under the laws of the State.

2) **Registration stations.** The Passamaquoddy Tribe, ~~and the Penobscot Nation~~ and the Houlton Band of Maliseet Indians shall establish and maintain registration stations for the purpose of registering bear, moose, deer and other wildlife killed within their respective Indian territories and shall adopt ordinances requiring registration of such wildlife to the extent and in substantially the same manner as such wildlife are required to be registered under the laws of the State. These ordinances requiring registration shall be equally applicable to all persons without distinction based on tribal membership. The Passamaquoddy Tribe, ~~and the Penobscot Nation~~ and the Houlton Band of Maliseet

Indians shall report the deer, moose, bear and other wildlife killed and registered within their respective Indian territories to the Commissioner of Inland Fisheries and Wildlife of the State at such times as the commissioner deems appropriate. The records of registration of the Passamaquoddy Tribe, ~~and the Penobscot Nation~~ and the Houlton Band of Maliseet Indians shall be available, at all times, for inspection and examination by the commissioner.

3) Adoption of regulations by the commission. Subject to the limitations of subsection 6, the commission shall have exclusive authority to promulgate fishing rules or regulations on:

A. Any pond other than those specified in subsection 1, paragraph B, 50% or more of the linear shoreline of which is within Indian territory;

B. Any section of a river or stream one side of which is within Indian territory for a continuous length of ½ mile or more.

In promulgating such rules or regulations the commission shall consider and balance the need to preserve and protect existing and future sport and commercial fisheries, the historical non-Indian fishing interests, the needs or desires of the tribes to establish fishery practices for the sustenance of the tribes or to contribute to the economic independence of the tribes, the traditional fishing techniques employed by and ceremonial practices of Indians in Maine and the ecological interrelationship between the fishery regulated by the commission and other fisheries throughout the State. Such regulation may include without limitation provisions on the method, manner, bag and size limits and season for fishing.

Said rules or regulations shall be equally applicable on a nondiscriminatory basis to all persons regardless of whether such person is a member of the Passamaquoddy Tribe, ~~or the Penobscot Nation~~ or the Houlton Band of Maliseet Indians. Rules and regulations promulgated by the commission may include the imposition of fees and permits or license requirements on users of such waters other than members of the Passamaquoddy Tribe, ~~or the Penobscot Nation~~ and the Houlton Band of Maliseet Indians. In adopting rules or regulations pursuant to this subsection, the commission shall comply with the Maine Administrative Procedure Act.

In order to provide an orderly transition of regulatory authority, all fishing laws and rules and regulations of the State shall remain applicable to all waters specified in this subsection until such time as the commission certifies to the commissioner that it has met and voted to adopt its own rules and regulations in substitution for such laws and rules and regulations to the State.

4. Sustenance fishing within the Indian reservations. Notwithstanding any rule or regulation promulgated by the commission or any other law of the State, the members of the Passamaquoddy Tribe and the Penobscot Nation may take fish, within the boundaries of their respective Indian reservations, for their individual sustenance subject to the

limitations of subsection 6. The Commission shall consider the question of sustenance fishing within the Houlton Band of Maliseet Indians territory defined in section 6205-A, subsection 1, including any recommendations of the Department of Inland Fisheries and Wildlife, and reports its findings and/or recommendations to the state legislature and the tribal government of the band no later than January 15, 2003.

5. **Posting.** Lands or waters subject to regulation by the commission, the Passamaquoddy Tribe, ~~or the Penobscot Nation~~ or the Houlton Band of Maliseet Indians shall be conspicuously posted in such a manner as to provide reasonable notice to the public of the limitations on hunting, trapping, fishing or other use of such lands or waters.

6. **Supervision by Commissioner of Inland Fisheries and Wildlife.** The Commissioner of Inland Fisheries and Wildlife, or his successor, shall be entitled to conduct fish and wildlife surveys within the Indian territories and on waters subject to the jurisdiction of the commission to the same extent as he is authorized to do so in other areas of the State. Before conducting any such survey the commissioner shall provide reasonable advance notice to the respective tribe, band or nation and afford it a reasonable opportunity to participate in such survey. If the commissioner, at any time, has reasonable grounds to believe that a tribal ordinance or commission regulation adopted under the section, or the absence of such a tribal ordinance or commission regulation, is adversely affecting or is likely to adversely affect the stock of any fish or wildlife on lands or waters outside the boundaries of land or waters subject to regulation by the commission, the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians, he shall inform the governing body of the tribe, band or nation or the commission, as is appropriate, of his opinion and attempt to develop appropriate remedial standards in consultation with the tribe or nation or the commission. If such efforts fail, he may call a public hearing to investigate the matter further. Any such hearing shall be conducted in a manner consistent with the laws of the State applicable to adjudicative hearings. If, after hearing, the commissioner determines that any such ordinance, rule or regulation, or the absence of an ordinance, rule or regulation, is causing, or there is a reasonable likelihood that it will cause, a significant depletion of fish or wildlife stocks on lands or waters outside the boundaries of lands or waters subject to regulation by the Passamaquoddy Tribe, ~~or the Penobscot Nation~~, the Houlton Band of Maliseet Indians or the commission, he may adopt appropriate remedial measures including rescission of any such ordinance, rule or regulation and, in lieu thereof, order the enforcement of the generally applicable laws or regulations of the State. In adopting any remedial measures the commission shall utilize the least restrictive means possible to prevent a substantial diminution of the stocks in question and shall take into consideration the effect that non-Indian practices on non-Indian lands or waters are having on such stocks. In no event shall such remedial measure be more restrictive than those which the commissioner could impose if the area in question was not within Indian territory or waters subject to commission regulation.

In any administrative proceeding under this section the burden of proof shall be on the commissioner. The decision of the commissioner may be appealed in the manner

provided by the laws of the State for judicial review of administrative action and shall be sustained only if supported by substantial evidence.

7. **Transportation of game.** Fish lawfully taken within Indian territory or in waters subject to commission regulation and wildlife lawfully taken within Indian territory and registered pursuant to ordinances adopted by the Passamaquoddy Tribe, and the Penobscot Nation and the Houlton Band of Maliseet Indians, may be transported within the State.

8. **Fish and wildlife on non-Indian lands.** The commission shall undertake appropriate studies, consult with the Passamaquoddy Tribe, and the Penobscot Nation and the Houlton Band of Maliseet Indians and landowners and state officials, and make recommendations to the commissioner and the Legislature with respect to implementation of fish and wildlife management policies on non-Indian lands in order to protect fish and wildlife stocks on lands and water subject to regulation by the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the commission.

9. **Fish.** As used in this section, the term "fish" means a cold blooded completely aquatic vertebrate animal having permanent fins, gills and an elongated streamlined body usually covered with scales and includes inland fish and anadromous and catadromous fish when in inland water.

5. **Amend Section 6208, subsections 2 and 3, as follows:**

2. **Property taxes.** The Passamaquoddy Tribe and, the Penobscot Nation and the Houlton Band of Maliseet Indians shall make payments in lieu of taxes on all real and personal property within their respective Indian territory in an amount equal to that which would otherwise be imposed by a county, a district, the State, or other taxing authority on such real and personal property provided, however, that any real or personal property within Indian territory used by either tribe or, nation or band predominantly for governmental purposes shall be exempt from taxation to the same extent that such real or personal property owned by a municipality is exempt under the laws of the State. ~~The Houlton Band of Maliseet Indians shall make payments in lieu of taxes on Houlton Band Trust Land in an amount equal to that which would otherwise be imposed by a municipality, county, district, the State or other taxing authority on that land or natural resources.~~ Any other real or personal property owned by or held in trust for any Indian, Indian Nation or tribe or band of Indians and not within Indian territory, shall be subject to levy and collection of real and personal property taxes by any and all taxing authorities, including by without limitation municipalities, except that such real and personal property owned by or held for the benefit and used by the Passamaquoddy Tribe or, the Penobscot Nation or the Houlton Band of Maliseet Indians predominantly for governmental purposes shall be exempt from property taxation to the same extent that such real and personal property owned by a municipality is exempt under the laws of the State.
3. **Other taxes.** The Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, the members thereof, and any other Indian, Indian Nation, or tribe or

band of Indians shall be liable for payments of all other taxes and fees to the same extent as any other person or entity in the State. For purposes of this section either tribe, ~~or~~ nation ~~or~~ band, when acting in its business capacity as distinguished from its governmental capacity, shall be deemed to be a business corporation organized under the laws of the State and shall be taxed as such.

5. 30 M.R.S.A. § 6209-C. Provides bases for tribal court for Houlton Band of Maliseet Indians. This language is identical to that of § 6209-B, except that it pertains to the Houlton Band of Maliseet Indians tribal court, instead of the Penobscot Nation tribal court.

1. Exclusive jurisdiction over certain matters. Except as provided in subsections 3 and 4, the Houlton Band of Maliseet Indians has the right to exercise exclusive jurisdiction, separate and distinct from the State, over:

A. Criminal offenses for which the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000 and that are committed on the Houlton Band of Maliseet Indians territory by a member of any federally recognized Indian tribe, nation, band or other group against another member of any federal recognized Indian tribe, nation, band or other group or against the property of another member of any federally recognized Indian tribe, nation, band or other group;

B. Juvenile crimes against a person or property involving conduct that, if committed by an adult, would fall within the exclusive jurisdiction of the Houlton Band of Maliseet Indians under paragraph A, and juvenile crimes, as defined by Title 15, section 3103, subsection 1, paragraphs B to D, committed by a juvenile member of either the Houlton Band of Maliseet Indians, Passamaquoddy Tribe or the Penobscot Nation on the Houlton Band Trust Lands.

C. Civil Actions between either the members of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation arising on the Houlton Band Trust Lands of the Houlton Band of Maliseet Indians and cognizable as small claims under the laws of the State, and civil actions against a member of either the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation under Title 22, section 2383 involving conduct on the Houlton Band Trust Lands by a member of either the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation;

D. Indian child custody proceedings to the extent authorized by applicable federal law; and

E. Other domestic relations matters, including marriage, divorce and support between members of either the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation, both of whom reside on the Houlton Band Trust Lands.

The governing body of the Houlton Band of Maliseet Indians shall decide whether to exercise or terminate the exercise of the exclusive jurisdiction authorized by this subsection. If the Houlton Band of Maliseet Indians chooses not to exercise, or chooses to terminate its exercise of, jurisdiction over the criminal, juvenile, civil or domestic matters described in this subsection, the

State has exclusive jurisdiction over those matters. Except as provided in paragraphs A and B, all laws of the State relating to criminal offenses and juvenile crimes apply within the Houlton Band Trust Lands and the State has exclusive jurisdiction over those offenses and crimes.

2. Definitions of crimes; tribal procedures. In exercising its exclusive jurisdiction under subsection 1, paragraph A and B, the Houlton Band of Maliseet Indians is deemed to be enforcing Houlton Band of Maliseet Indians tribal law. The definitions of the criminal offenses and juvenile crimes and the punishments applicable to those criminal offenses and juvenile crimes over which the Houlton Band of Maliseet Indians has exclusive jurisdiction under this section are governed by the laws of the State. Issuance and execution of criminal process are also governed by the laws of the State. The procedures for the establishment and operation of tribal forums created to effectuate the purposes of this section are governed by federal statute, including, without limitation, the provisions of 25 United States Code, Sections 1301 to 1303 and rules or regulations generally applicable to the exercise of criminal jurisdiction by Indian tribes on federal Indian reservations.

3. Lesser included offenses in state court. In any criminal proceeding in the courts of the State in which a criminal offense under the exclusive jurisdiction of the Houlton Band of Maliseet Indians constitutes a lesser included offense of the criminal offense charged, the defendant may be convicted in the courts of the State of the lesser included offense. A lesser included offense is defined under the laws of the State.

4. Double jeopardy, collateral estoppel. A prosecution for a criminal offense or juvenile crime over which the Houlton Band of Maliseet Indians has exclusive jurisdiction under this section does not bar a prosecution for a criminal offense or juvenile crime, arising out of the same conduct, over which the State has exclusive jurisdiction. A prosecution for a criminal offense or juvenile crime over which the State has exclusive jurisdiction does not bar a prosecution for a criminal offense or juvenile crime, arising out of the same conduct, over which the Houlton Band of Maliseet Indians has exclusive jurisdiction under this section. The determination of an issue of fact in a criminal or juvenile proceeding conducted in a tribal forum does not constitute collateral estoppel in a criminal or juvenile proceeding conducted in a state court. The determination of an issue of fact in a criminal or juvenile proceeding conducted in a state court does not constitute collateral estoppel in a criminal or juvenile proceeding conducted in a tribal forum.

6. 30 M.R.S.A. § 6210. This is revised to add Houlton Band of Maliseet Indians.

- 1) Exclusive authority of tribal law enforcement officers.** Law enforcement officers appointed by the Passamaquoddy Tribe, ~~and Penobscot Nation~~ and the Houlton Band of Maliseet Indians shall have exclusive authority to enforce, within their respective Indian territories, ordinances adopted under section 6206 and section 6207, subsection 1, and to enforce, on their respective Indian reservations, the criminal, juvenile, civil and domestic relations laws over which the Passamaquoddy Tribe, ~~or the Penobscot Nation~~ or Houlton Band of Maliseet Indians have jurisdiction under section 6209-A, subsection 1, section 6209-B, subsection 1, or section 6209-C, subsection 1, respectively.

- 2) **Joint authority of tribal and state law enforcement officers.** Law enforcement officers appointed by the Passamaquoddy Tribe, ~~or~~ the Penobscot Nation or the Houlton Band of Maliseet Indians shall have the authority within their respective Indian territories and state and county law enforcement officers have the authority within Indian territories to enforce rules or regulations adopted by the commission under section 6207, subsection 3 and to enforce all laws of the State other than those over which the Passamaquoddy Tribe, ~~or~~ the Penobscot Nation or the Houlton Band of Maliseet Indians has exclusive jurisdiction under section 6209-A, subsection 1, section 6209-B, subsection 1, and section 6209-C, subsection 1, respectively.
- 3) **Agreements for cooperation and mutual aid.** This section does not prevent the Passamaquoddy Tribe, ~~or~~ the Penobscot Nation or the Houlton Band of Maliseet Indians and any state, county or local law enforcement agency from entering into agreements for cooperation and mutual aid.
- 4) **Powers and training requirements.** Law enforcement officers appointed by the Passamaquoddy Tribe, ~~and~~ the Penobscot Nation and the Houlton Band of Maliseet Indians possess the same powers and are subject to the same duties, limitations and training requirements as other corresponding law enforcement officers under the laws of the State.

7. 30 M.R.S.A. § 6211.

1) **Eligibility generally.** The Passamaquoddy Tribe, ~~and~~ Penobscot Nation and the Houlton Band of Maliseet Indians shall be eligible for participation and entitled to receive benefits from the State under any state program which provides financial assistance to all municipalities as a matter of right. Such entitlement shall be determined using statutory criteria and formulas generally applicable to municipalities in the State. To the extent that any such program requires municipal financial participation as a condition of state funding, the share for either the Passamaquoddy Tribe or the Penobscot Nation or the Houlton Band of Maliseet Indians may be raised through any source of revenue available to the respective tribe or nation, including but without limitation taxation to the extent authorized within its respective Indian territory. In the event that any applicable formula regarding distribution of moneys employs a factor for the municipal real property tax rate, and in the absence of such tax within either Indian territory, the formula applicable to such Indian territory shall be computed using the most current average equalized real property tax rate of all municipalities in the State as determined by the State Tax Assessor. In the event any such formula regarding distribution of moneys employs a factor representing municipal valuation, the valuation applicable to such Indian territory shall be determined by the State Tax Assessor in the manner generally provided by the laws of the State, provided, however, that property owned by or held in trust for either tribe of nation and used for governmental purposes shall be treated for purposes of valuation as like property owned by a municipality.

Limitation on eligibility. In computing the extent to which either the Passamaquoddy Tribe or the Penobscot Nation or the Houlton Band of Maliseet Indians is entitled to

receive state funds under subsection 1, other than funds in support of education, any money received by the respective tribe, ~~or nation or band~~ from the United States within substantially the same period for which state funds are provided, for a program or purpose substantially similar to that funded by the State, and in excess of any local share ordinarily required by state law as a condition of state funding, must be deducted in computing any payment to be made to the respective tribe, ~~or nation or band~~ by the State. Unless otherwise provided by federal law, in computing the extent to which either the Passamaquoddy Tribe, ~~or the Penobscot Nation or the Houlton Band of Maliseet Indians~~ is entitled to receive state funds for education under subsection 1, the state payment must be reduced by 15% of the amount of federal funds for school operations received by the respective tribe, ~~or nation or band~~ within substantially the same period for which state funds are provided, and in excess of any local share ordinarily required by state law as a condition of state funding. A reduction in state funding for secondary education may not be made under this section except as a result of federal funds received within substantially the same period and allocated or allocable to secondary education.

3) Eligibility for discretionary funds. The Passamaquoddy Tribe, ~~and the Penobscot Nation and the Houlton Band of Maliseet Indians~~ shall be eligible to apply for any discretionary state grants or loans to the same extent and subject to the same eligibility requirements, including availability of funds, applicable to municipalities in the State.

4) Eligibility of individuals for state funds. Residents of ~~either Indian territory of the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians~~ shall be eligible for and entitled to receive any state grant, loan, unemployment compensation, medical or welfare benefit or other social service to the same extent as and subject to the same eligibility requirements applicable to other persons in the State, provided, however, that in computing the extent to which any person is entitled to receive any such funds, any moneys received by such person from the United States within substantially the same period of time for which state funds are provided and for a program or purpose substantially similar to that funded by the State, shall be deducted in computing any payment to be made by the State.

8. 30 M.R.S.A. § 6212. Adds two spaces for Houlton Band of Maliseet Indians, two spaces for the State and changes the quorum and voting requirements.

1) Commission created. The Maine Indian Tribal--State Commission is established. The commission consists of ~~9~~ 13 members, ~~4~~ 6 to be appointed by the Governor, subject to review by the Joint Standing Committee on Judiciary and to confirmation by the Legislature, 2 to be appointed by the Passamaquoddy Tribe, 2 to be appointed by the Penobscot Nation, 2 to be appointed by the Houlton Band of Maliseet Indians and a chair, to be selected in accordance with subsection 2. The members of the commission, other than the chair, each serve for a term of 3 years and may be reappointed. In the event of the death, resignation or disability of a member, the appointing authority may fill the vacancy for the unexpired term.

2) **Chair.** The commission, by a majority vote of its § 10 members, shall select an individual who is a resident of the State to act as chair. In the event of the death, resignation or disability of the chair, the commission may select, by a majority vote of its 12 remaining members, a new chair. When the commission is unable to select a chair within 120 days of the death, resignation or disability, the Governor, after consulting with the governors or chiefs of the Penobscot Nation, ~~and~~ the Passamaquoddy Tribe and Houlton Band of Maliseet Indians, shall appoint an interim chair for a period of one year or for the period until the commission selects a chair in accordance with this section, whichever is shorter. The chair is a full-voting member of the commission and, except when appointed for an interim term, shall serve for 4 years.

3) **Responsibilities.** In addition to the responsibilities set forth in this Act, the commission shall continually review the effectiveness of this Act and the social, economic and legal relationship between the Passamaquoddy Tribe, ~~and~~ the Penobscot Nation and the Houlton Band of Maliseet Indians and the State and shall make such reports and recommendations to the Legislature, the Passamaquoddy Tribe, ~~and~~ the Penobscot Nation and the Houlton Band of Maliseet Indians as it determines appropriate.

~~Seven~~ Eleven members constitute a quorum of the commission and a decision or action of the commission is not valid unless § 6 members vote in favor of the action or decision.

4) **Personnel, fees, expenses of commissioners.** The commission may employ personnel as it considers necessary and desirable in order to effectively discharge its duties and responsibilities. These employees are not subject to state personnel laws or rules.

The commission members are entitled to receive \$75 per day for their services and to reimbursement for reasonable expenses, including travel.

5) **Interagency cooperation.** In order to facilitate the work of the commission, all other agencies of the State shall cooperate with the commission and make available to it without charge information and data relevant to the responsibilities of the commission.

6) **Funding.** The commission may receive and accept, from any source, allocations, appropriations, loans, grants and contributions of money or other things of value to be held, used or applied to carry out this chapter, subject to the conditions upon which the loans, grants and contributions may be made, including, but not limited to, appropriations, allocations, loans, grants or gifts from a private source, federal agency or governmental subdivision of the State or its agencies. Notwithstanding Title 5, chapter 149, upon receipt of a written request from the commission, the State Controller shall pay the commission's full state allotment for each fiscal year to meet the estimated annual disbursement requirements of the commission.

9. 30 M.R.S.A. § 6214. Allows creation of tribal school committee by Houlton Band of Maliseet Indians.

The Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians are authorized to create respective tribal school committees, in substitution for the committees heretofore provided for under the laws of the State. Such tribal school committees shall operate under the laws of the State applicable to school administrative units. The presently constituted tribal school committee of the respective tribe, ~~or~~ nation or band shall continue in existence and shall exercise all the authority heretofore vested by law in it until such time as the respective tribe, ~~or~~ nation or band creates the tribal school committee authorized by this section.



EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
38 STATE HOUSE STATION
AUGUSTA, MAINE

ANGUS S. KING, JR.
GOVERNOR

04333-0038
November 23, 1999

EVAN D. RICHERT, AICP
DIRECTOR

J. Bradford Coffey
Farrell, Rosenblatt & Russell
61 Main Street
P.O. Box 738
Bangor, Maine 04333-0038

Re: Houlton Band of Maliseet Indians

Dear Brad:

Thanks for hosting the meeting last Friday. As promised, here are the fundamental questions to which we need answers before the state can consider its position on a comprehensive amendment to the Implementation Act to provide status to the Maliseets equivalent to that of the Passamaquoddies and Penobscots. These questions, as you know, arise out of the last 5 to 10 years of experience under the Act and assertions by the Passamaquoddies and Penobscots that are, the state believes, contrary to the language of the Act.

1. How do the Maliseets interpret Sec. 6204 of the Implementation Act? Are there any laws of the state, other than those specifically enumerated in the Act, that the Maliseets believe would not apply to them should they be brought into the Act in the same manner as the Passamaquoddies and Penobscots? By way of example only, do they believe the following state environmental, natural resource, and land use laws would apply to them, as they do in all municipalities:

Mandatory Shoreland Zoning Act
Natural Resources Protection Act
Site Location of Development Act
Maine Forest Practices Act
Laws and rules that do or may in the future apply to irrigation?
Surface uses of Great Ponds
Gaming laws
Laws relating to marine fisheries
Any other state laws not specifically enumerated in the Act

Are there any rights or powers that the Maliseets believe would be "retained" by them because they aren't specifically mentioned in the Act? Which ones? To the extent that the Maliseets acquire land in the unorganized territory, what, in the Maliseets' opinion, would be the authority of the Land Use Regulation Commission over those lands?



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2. Do the Maliseets believe that any special powers arise from their relationship with the Federal government that would in any way dilute or preempt the terms of the Land Claims Settlement Act and the Maine Implementation Act? For example, would they now have special status in reviews under Federal licensing procedures for hydropower, air emissions, or water discharges proposed by private property owners or industries in the vicinity of Maliseets' lands?
3. How do the Maliseets interpret provisions of the Implementation Act (Sec. 6207) relating to sustenance fishing rights? Do such rights, in the opinion of the Maliseets, extend to commercial use? Do they imply any authority over lands and waters beyond the boundaries of the identified territory of the Maliseets?
4. The Land Claims Settlement Act and the Maine Implementation Act recognize a special relationship between the State of Maine and the Indian tribes in the Act, including, for example, the right of a given tribe to determine its membership and governance and to control internal affairs. The state believes that the record leading up to these Acts, and the language of the Acts themselves, spells out this relationship quite specifically, and that the relationship is not one of "sovereign nations" within the state. What is the Maliseet Band's view of this?
5. As I understand the latest draft, to the extent that land has been or will be acquired from within an organized municipality, before such land can be made part of Maliseet territory, approval must be obtained from both the state and the municipality. Is this understanding correct?

Thank you for taking time to consider these questions.

Sincerely,



Evan Richert

Cc: Paul Sterns
Wayne Douglas
David Wilby
Diana Scully

TOTAL P.03

“OUR RIVER”

B STREAM & THE MEDUXNEKEAG

By H. Kelley

When I recall my childhood, one thing that stands out more than anything else... the wonderful memories I have of the river and streams in my hometown of Houlton, Maine. It is my dream to one day introduce my children to the Meduxnekeag and its tributaries and have them develop the same love for it as I have. If the River is respected and nurtured, my dream will come true.

I remember with a smile my first contact with B Stream. It was the summer of 1969 and I was 2 ½ years old. Like many times before, my mother and father gathered up all of my brothers and sisters in our old blue station wagon and headed “up on B” for a picnic. We went there frequently – actually, it was the only activity we ever did together as family.

I remember sitting on the shore, my chubby legs splashing in the water. The sight of the sparkles on the surface of the stream and sometimes catching a glimpse of a little minnow or frog swimming by fascinated my young mind.

Today I’m still in awe of the stream. I have special spots where I go when I need time to myself. Sitting on a rock with a fishing line in the water anxiously waiting for the familiar “bite” of the brook trout is my favorite summer pastime. Just like a child, I still enjoy walking along the banks and “exploring”... hoping to find or discover something I’ve never seen before. The only disappointment I have is when I come across the spoils left behind by the many so called “Outdoorsmen” who ignorantly and selfishly believe it’s okay to dispose of their cans, bottles, wrappers, and empty containers along and into our rivers and streams. What is more frightening is the pollution in our water that isn’t always readily seen by the eye.

I wonder about the stream....thinking of what to do as an individual to protect it and keep it clean and safe for my future children to enjoy....

The River must be respected and nurtured to survive

The Meduxnekeag River

And

My concerns

By: C. Haley 2/29/00

I am a member of the Houlton Band of Maliseet Indians, and I'm very concerned about the proposal of the state of Maine being responsible for the discharge permitting if passed. The State has no legal responsibility to let tribes know who, what, and how much discharging is going into the river, unlike the Federal government does. As a tribal member that disturbs me.

Even though the Meduxnekeag has its problems, as any river does, it's a very beautiful river with a lot of meaning to me. My ancestors came to this place many years ago, and lived off the river. They had plenty to drink and eat, and had an easier time traveling because of this watershed. They survived because of it then, and we still need it to survive today. Mother Earth gave us this gift that so many have taken for granted. It is time that we all join together and bring back the Meduxnekeag's beautiful and natural being, not to make it worse. For the sake of this watershed and generations to come, I urge you not to consider letting the state handle this matter.

2/29/00

To Whom It May Concern:

First let me Introduce myself, my name is David Joseph from Houlton Maine. I am a member of the Houlton Band of Maliseet Indians. I have a very extensive history and relationship with the Meduxnekeag River, the main body of water that flows through tribal lands.

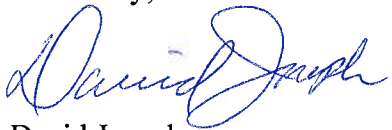
As a young boy a few decades ago I was taught by my grandfather to practice traditional sustenance activities. Fishing and gathering fiddleheads (a type of fern that grows on the banks of the meduxnekeag and tributaries) just to name a few; are an important part of the Maliseet way of life. These were extremely important for me to do because they brought food to my family's table. Today things are a lot different for me, my family, and the Tribe as a whole. Back in my grandfathers day their used to be wild salmon running in these waters, today they no longer exist, and are almost entirely extinct. He would tell me stories of trapping fur-bearing animals on the river and catching salmon. He would often get frustrated trying to understand why either they no longer existed or were to few to even make mention of gathering any.

Now, in my generation I have to tell my parents that they can no longer eat the fish from this river because they are too polluted and will make them sick or possibly kill them. I also wonder what I will tell my children about how the Maliseet way of life "was". This way of life is on a continued downward spiral to extinction. How much

longer will our natural resources be poisoned or exploited to satisfy industries that are trying to save money and not seek other ways of taking care of their discharges.

The Maliseet people depend on the federal government for protection from these contaminants and poisons that steal our way of life right before our eyes. We only ask that we be allowed to enjoy our traditional way of life free of harmful contaminants. I speak to you very concerned about this matter because *I live here, I breathe the air here, I provide for my family here, I drink the water here.* I trust the Federal Government to provide protection for my people. If EPA does not fulfill its “trust responsibility” and hands its duties over to the State of Maine, then the term “trust responsibility” will have degraded like the Maliseet way of life.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Joseph", with a stylized, cursive script.

David Joseph
Maliseet Tribal Member

AROOSTOOK FOOTPRINTS

This was the heart of Maliseet territory.

by Pat J. Paul

In the whole of the Aroostook County in the State of Maine, through to areas southward reaching the foothills of Mt. Katahdin along the Mattawamkeag, and in and through the adjacent lands of the neighbouring province of New Brunswick extending the entire length of the St. John River, and reaching into the eastern parts of

Quebec along the banks of the St. Lawrence River almost to Montreal, the Maliseets once roamed freely, openly and independently. This was their nation. This was where they hunted, fished, trapped, camped and gathered food and other resources, and related communally and intertribally with their brothers. This was the vast area

where the Creator put them to enjoy the fruits of nature and to survive in harmony and freedom as a free nation.

This unique relationship with one another and with nature went on for centuries before the coming of the Europeans, the white men. It was at the time of the arrival of the white visitors that changes started to take place. The imported European lifestyles brought by the visitors were such that the natural state of the lands and forests had to be altered to fit their customary and agricultural ways of life. Trees had to be cut and made into boards and planks to construct their homes, towns and villages. Thousands upon thousands of acres of forest lands had to be cleared to make way for the endless spaces of farmland to grow their crops and livestock. The natural balance that once existed between the indigenous man and nature took an abrupt twist at this time. The pure and pristine surroundings that once were predominant in the entire area came to an end, as roads, railways, bridges and town sites mushroomed and overtook the boundless water routes once used by the Maliseets.

Although the rivers, more or less, still ran their natural courses, the lake waters still produced and reproduced fish abundantly, and animals still roamed freely, the increased pressure of the

continued on page 12



DARLENE ROSSIGNOL

AROOSTOOK FOOTPRINTS

continued from page 2

white settlements with their infrastructures started affecting this natural ecological balance to a larger degree. By the 17th through to the 19th centuries after foreign-initiated French/English wars of sovereignty and illegal occupation had bisected and eroded the lands from the coastal to the internal areas, the once cherished and unmolested Maliseet traditional ways came to an end. Rivers became choked valleys of pulp and timber floating downstream to feed the hungry industrial sawmills and pulp mills.

Incorporated and newly named towns, cities, villages and international boundaries came into place. As the white populace grew larger and larger, the more the restrictions appeared for the native people until they were virtually forced to inhabit only the tiny government-run Indian 'reservations' where they still live to this day.

Long gone were the pre-contact days when the rocks, rivers and the mountains held their natural Indian names and when all waters from lakes and rivers were pure, clean and drinkable. Almost an over-abundance of game of every kind roamed the entire area. There was never a shortage of meat or natural implements that were hewn from bone and sinew of the wild creatures.

This was the land of almost limitless abundance of natural resources. This was the heart of the traditional Maliseet territory. This was the land now called "Aroostook."

Aroostook's deep Maliseet Roots

The Maliseet, then known as the Wulustuk-ieg, derived their name from the name of their river, Wulustuk (river of peace), now called the St. John River, which extends from northern Maine and Quebec to the Bay of Fundy. Later newcomers (in Maine) who settled in the area changed the name

The St. John River was the Wulustuk, 'river of peace.'

from Wulustuk to "Aroostook," and rerouted it to travel through Maine (USA) only. The river flowing through Maine now known as the Aroostook was originally called Moosai-ekog, meaning the 'place of moose.' But during the two centuries of white occupation along that river the settlers have taken the liberty to change the native place names to fit their own tongue and interests regardless of the original native name an area had been given by the native people. The Wulustuk-ieg (Maliseets) learned to utilize every area for the resources it offered. The "Aroostook" river especially had plenty of moose, so certain people

whose "family hunting territories" were located along its banks extending through the towns now called Fort Fairfield, Caribou and Presque Isle profited highly from their good fortune. Each extended family had designated areas to hunt exclusively in those given areas.

The Aroostook county became world renowned during the turn of the 20th century for its famous potato production. The original titleholders, the Maliseets, were co-opted via economical ties to adapt and fit into the annual harvest-

The Aroostook River was called Moosai-ekog, 'place of the moose.'

ing operation of this important agricultural product. They soon became adept and significant in co-producing, harvesting and marketing Maine potatoes that were shipped throughout the world. They also produced and provided the most superior quality black ash potato baskets used in manual harvesting of potatoes.

Tobique, N.B., a strategic Wulustuk-ieg location

All rivers have a branch or a tributary at some point to connect the water traveler to or from other waterways. The Tobique settlement, being well situated at a junction point and accessing many other rivers, has always been coveted and recognized as a strategic point for Maliseets to occupy. The 50-mile-long Tobique River reaches northerly into New Brunswick where a number of tributaries can easily link a traveler to other water routes within the province. Just a few miles west of Tobique is a river branch of the Wulustuk that takes one into the interior of Maine. A bit further west from that point is another river (Salmon) that wiggles northeast through upper reaches of New Brunswick. And when the Wulustuk can be followed northwest to its trickling headwaters one is able to link into the St. Lawrence River in Quebec, or into the huge lakes located in northwestern parts of deep Maine woodlands.

Finally, Wulustuk (St. John River) ultimately flows into the ocean waters of the Bay of Fundy at St. John, N.B., roughly 200 miles downstream from Tobique. Throughout its entire length a maze of streams, brooks, lakes and rivers feed into it making Wulustuk the grandest and the longest river system in the Atlantic Provinces. □

Reprinted with permission from the July-August 1998 Maliseet Grand Council Newsletter of the Tobique First Nation, New Brunswick, Canada. Editor Pat J. Paul writes free-lance articles on many topics for a number of Native American publications across the country.

MALECITE TALES

GLUSKAP MYTHS

(1). Gluskap.¹

Gluskap and his mother came to St. John harbour from the south. Their canoe was an island. They landed at March creek below St. John. The Indians saw him coming and were amazed at the sight of his canoe. At once they knew that he had greater power than anyone else, for he was doing amazing things.

The winter following his arrival he went up the St. John river to where the beaver had their dam.² After examining it he proceeded up river in search of more beaver dams, going as far as Mactiquack creek, a little above Kingsclear. Here travelling was difficult with snowshoes; so he slipped them off and left them there. To-day you can see them, for those two islands opposite Mactiquack are called "Gluskap's Snowshoes."

Then he went up as far as Grand falls, across which the beaver had built a dam. He tore it to pieces, as you can see to-day, and drained the water off. He did this so that when he returned to St. John and broke the beaver's dam there, they would have no other pond to go to.

By the time he had finished doing this, spring had come; so he built a canoe and paddle out of stone and went down the river to the place where St. John now is. When he came, the Indians knew that he must have great power to use a stone canoe, so they made him their chief; and in a short time he was known everywhere as the Chief of the Indians.

During that summer he went to the mouth of the Kennebecasis, where the beavers had their homes. These he examined and then he returned to the dam, which was located where the Reversing falls are to-day. He took a stick and broke the dam, so that the

¹ The following long myth of the culture-hero Gluskap, was obtained from Jim Paul, of St. Mary, New Brunswick, in August and December, 1910. The first 57 pages, that is, through the adventures of Turtle, were obtained in August. Jim Paul said he had first heard the story more than forty years before, when he was camping with his father and father-in-law. The rest of the story was obtained in December. Jim Paul had gotten it in the meantime from Newel John, of French Village, N.B. The difference in the style of the two portions is quite evident.

² The Reversing falls are supposed to be the remains of this dam. The size of the animals was much larger before Gluskap transformed things to their present size. Beavers were much larger than men and threatened their existence.

water ran through and the sods which were carried away by the flood were lodged below. One is known to-day as Partridge island.¹

Then he left his grandmother beside the dam with a spear to watch that none of the beavers came through. He himself went up stream in his canoe and came to the beaver's house, which he penetrated, and drove the beavers out. This house is known to-day as "Long Island," and is opposite Rothesay in Kennebecasis bay. Then he called his dogs and went to hunt for the beaver, which he finally found at Milhish bay, between Kennebecasis bay and St. John river, and killed them on a white granite rock. Even to this day you can see the red spots on the white granite where their blood dropped.

He knew that besides these beavers which he had killed there was a young one which had escaped. So again he went up Kennebecasis bay to find it, but seeing that a trap which he had set was not sprung, he returned to the beaver's dam (Reversing falls) and asked his grandmother if the beaver had gotten through. She replied, "No. You know that when beaver want to go through a dam, they make the water muddy, so that you can't see them. The water has been clear here all the time." Gluskap said, "If I don't kill that beaver, he will do a great deal of damage; so I must go and hunt him." His grandmother replied, "No, wait for your brother; he will be here very soon and he will know which way the beaver went." Gluskap said, "It is very strange that I didn't know that I had a brother." "Yes," replied the old woman, "you don't know, but I do." A few days later his brother arrived; he was called Mikumwesu. And Gluskap's grandmother had saved the beaver's tail² for him. She roasted it before the fire and gave it to Mikumwesu. While he was eating it, he asked Gluskap if he had killed the beavers. Then Gluskap said that he had killed the old ones but had lost a young beaver. Then Mikumwesu replied, "He has gone up river. Go down to the seashore and gather two stones to throw up river ahead of the beaver to scare him back." So Gluskap did as his brother directed and threw stones up the river; so far did he throw them that they landed ahead of the beaver and scared him back. These stones are called today the "Tobique Rocks" and they are about 3 miles below Perth. The beaver was rather tired by this time and a few miles below the two

¹ Malecites call it Kikw Mikhizin, which they translate as "The sod which broke away."

² The tail of the beaver is considered by the Indians as the choicest of all morsels.

the Indians to build a sweat-house that would be so tight that no heat could possibly escape. Then Gluskap put him into it, when it had been constructed. He kept throwing hot stones in and throwing water on them. The heat became so intense that the old man begged for a little air, but Gluskap refused to give it to him, mockingly asking him where his power had gone.

While the old man was thus being tortured, a Thunder Cloud appeared on the horizon and drew very close. It was not very loud thunder, however, and Gluskap thought that he recognized the voice of Mikumwesu's son (his nephew). Soon young Thunder descended and was delighted to see Gluskap after so long an absence. Gluskap then told Thunder that he desired him to kill the shaman, who was then being tortured in the sweat-house. He also told him that he wanted him to destroy the dam completely, so that the river would be thoroughly clear. He then wanted him to go down the river and destroy all the dangerous beasts. These things his nephew promised to do.

Gluskap then departed, intending to visit his grandmother, whom he had left many years before, when he set out on his wanderings.

(2). Gluskap and the Turtle.¹

Turtle wanted to get married and, therefore, inquired of Gluskap how to go about getting a wife. Gluskap said, "Go and hunt a whale." "But I have never hunted whales. How do you do it?" replied Turtle. Gluskap said, "Go down to the bay and build a deadfall." "But how can I find out when I have one strong enough to hold a whale?" inquired Turtle. To this Gluskap answered, "Go try it yourself." Now Gluskap was a powerful shaman and whatever he wished Turtle to do Turtle would have to do. Therefore, when Turtle tried the trap, Gluskap wished that it would catch him—and it did.

Three days later Gluskap went to the trap and found Turtle in it. He asked Turtle what he had done and expressed his surprise and chagrin at finding him trapped in this way on the eve of his marriage. Gluskap then assisted Turtle out of the trap.

¹ The following story was secured in Malecite text, and translated by Simon Paul, of Tobique Point, N.B., in August, 1910.

Turtle then asked Gluskap what undertaking he was to enter upon next. Gluskap told him to set it again and he would catch a whale. Turtle did as he was bidden and Gluskap's prediction was fulfilled. The whale was then laid before the chief's door.

The chief naturally judged Turtle to be a great hunter on seeing the game he had caught, and, therefore, was anxious to have him as his son-in-law. Turtle assented, a great feast was held, and an elaborate wedding dance followed.

After the marriage, however, Turtle, being naturally lazy, would do no hunting, but lived at the expense of his father-in-law. This made Gluskap feel very much ashamed of him and he urged him to go out hunting, advising him to make a pair of snowshoes and go moose-hunting. Much to Gluskap's delight Turtle succeeded soon in catching a moose.

Soon Gluskap and Turtle parted, the former going off, much to Turtle's regret. After Gluskap's departure Turtle became lazier each day. As a result the chief would keep him no longer and Turtle had to go off elsewhere. He swam around until he came to a Micmac village, where he found a woman who pleased him exceedingly. They, therefore, lived together. Turtle took the shell off his back and used it for a canoe in which they paddled around.

After a time Gluskap began to wonder what had become of his friend Turtle, and started out in search of him. He finally found him with his Micmac woman. Gluskap asked him why he had deserted his wife, and Turtle replied that her temper and treatment of him were so unendurable that he was forced to leave her. But Gluskap knew otherwise; he knew that it was due to Turtle's indolence and laziness that the chief had sent him off. He, therefore, told Turtle to go back to his wife, promising to make the necessary arrangements with the chief. Everything happened as Gluskap had predicted. That very night, when Turtle went to bed, Gluskap changed him into a real turtle. The next morning the chief's daughter was surprised to find a turtle at her side. This greatly alarmed her, but she knew that it must be her husband. Gluskap then changed Turtle back into a man again and thus gave the people to understand that Turtle must be a marvellous man to perform such feats.



Geow-lud-mo-sis-eg : Little People

Geow-lud-mo-sis-eg are sort of magical little beings, something like the Leprechauns of Ireland, who appear to certain people at certain times in certain places in many Native communities.

LITTLE PEOPLE: GEOW-LUD-MO-SIS-EG

By Pat Paul

In many native communities you will always find a person or two who could tell either a personal story or would know someone who has met or made some kind of a contact with the Geow-lud-mo-sis-eg.

Some people say that the Geow-lud-mo-sis-eg represent some kind of an omen, either good or bad, that can happen to the person who sees them. They can scare the wits out of some people while others don't get too excited over seeing them.

A lot of this fear is based on a person's kind of upbringing or personal convictions. If you happen to be a superstitious kind of a person who has always followed a strict and narrow order of spiritual leaning, the appearance of the Geow-lud-mo-sis-eg could touch-off a shade of apprehension or intimidation which in turn could transform to negative outcomes.

These negative outcomes could possibly lead to kind of personal imbalance or disharmony, because you unconsciously allow negativity to seep in. Whereas if the Geow-lud-mo-sis-eg should appear to a person who is positive, open minded, receptive and less spiritually constricted, the results could be rewarding.

In other words, it all depends on the state-of-mind of the person who sees them. Fear of them could stir



negative impulses, while openness and acceptance could work out quite pleasantly for a person.

SOME DOCUMENTATION

Back in the 1950s there was a book written by an author named Edmond Wilson called 'Apologies to the Iroquois', which explained some of the myths and legends of the Iroquois concerning these little beings. In that book, Mr Wilson talks about the existence of at least two tribes of these little creatures who live among the Iroquois, namely with the Tuscaroras of the New York State. The book talks about the tribe of Healers and Tricksters. Apparently the Healer tribe can do some super marvellous things for a person who may be stricken or inflicted with some kind of physical ailment, sickness or such things as open flesh wounds, skin disorders or other visible bodily malfunctions.

The Healers reportedly are able to correct these malfunctions and disorders quite easily just by a person's request and a gift of tobacco to them.

On the other hand, the tribe of Tricksters do their thing by playing pranks and tricks on people. They would often do their tricks in the middle of the night just to make a person's hair stand on end. Little tricks like thumping on the side of your camp or canoe, braiding horse manes, tying up clothes on the clothes line, or a stone thrown into the still waters where you are quietly fishing might be the types of tricks the Tricksters would play on people. Little games such as these would be the harmless variety of mischievous activities that could be expected of the Tricksters.

They, like the Healers, can be appeased with a small gift of tobacco placed on the ground near or where the pranks are taking place. The tricks will then stop immediately after the giving of the tobacco.

Among the Maliseet people, the Geow-lud-mo-sis-eg are often seen beside or near water places like river banks, marshy grounds, brooksides or lakeshores. It's



been said also that domestic animals such as cows and horses become attracted to them. Their mischief would entail very fine braiding of strands of hair on the tails of the domestic animals. So barns and stables would be some of the areas where they can appear or show their workmanship.

Some people who fear the Geow-lud-mo-sis-eg and fall victim to tricks or pranks can become very fearful or openly shaken when the little creatures make their appearance to them and many times unpleasant events result. But others have experienced personal healings, good health and good fortune following their contact.

For some reason the Geow-lud-mo-sis-eg don't seem to make their appearance as frequently in these modern 1994 times as they used to in the early part of this century. For instance, in researching this article only the elders relate stories of having seen their braiding workmanship. One particular elder who is seventy-plus talks about the time when his family was visited by them.

In that case the Geow-lud-mo-sis-eg left these fine, rounded, braids on his mother's clothes on the clothesline, which he and his brother unbraided to remove from the line. Later sightings have since been rumoured but not confirmed with the exception of the following.

THE STEP AND TUNNEL

Some elders at Tobique recall their old swimming hole 'mus-kum-odesk' where they used to swim, play and frolic. Mus-kum-odesk is a solid rock and ledge area of the reserve where this strange rock design is located.

Right in the middle of this huge rock-ledge formation is an 18" x 18" block section that is missing as if a person had taken a saw or some kind of a cutter to carve out and remove it, leaving a step-like or a seat-like formation remaining there that the swimmers used to



play around for years

Directly under the 'step' or 'seat' is a tunnel-like opening, or a small 18" diameter hole that goes - god knows where, and is always very black and spooky inside. No one, as I recall, ever explored the tunnel for fear of the ob-o-dum-kin (a reputed legendary or mythical water creature), or the Geow-lud-mo-sis-eg. Some say that both, the step and the tunnel, are creations of the Little People who are reputed to be always around water areas, such as swimming holes, near lakes, rivers, brooks, etc., much like the famous Leprechauns of Ireland.

In 1953 through to 1959 two hydroelectric dams were constructed in the Tobique area and many places where Native people often frequented were flooded over, including the step and the tunnel locations. No pictures exist, to my knowledge, showing this unique area that once used to mystify so many people. The step and tunnel also have never been thoroughly researched nor has adequate explanation of their origin, except for the Geow-lud-mo-sis-eg angle.

RAIN FIRE

One elder who now has passed away looked out of his back window and saw about three of these Geow-lud-mo-sis-eg having a 'good old time' around a fireplace area in the back of his house. But the eerie part of this tale is that it was well after midnight and it was pouring 'cats and dogs' in a summer rainstorm and the Little People's fire was apparently not one bit affected by the tons of water coming down on it. The elder said he sort of got a chilly feeling as he and his wife looked at this unusual scene, but left things be and went to bed pondering on what they just had witnessed. This apparently was one true sighting.

VISITATION



Another strange event that took place in the same house as referred to above, was the visitation of these Geow-lud-mo-sis-eg to a lady living there. In this case, the lady happened to look out of the front door window one cloudy evening and saw four little folks, three boys and one girl, dressed ever so neatly with the girl in a yellow blouse, walking up the driveway towards the house. The lady of the house wondered what all of this was about and became very curious. The main entrance to the house normally is through the back door, and she assumed that the little guys were headed for the back door as she saw them disappearing around the corner. She then went to the back door to see where these four little creatures would be going. As she opened the door, two childlike little people were out there in the yard, jumping for joy, with their arms just a flying and swinging.

Due to her deafness, the woman couldn't tell if the little ones were making any sounds as they jumped.

For a moment she said she turned to call her husband and the little ones just vanished. Next she saw them walking down the front driveway heading back to their camp. She did however caution them to be careful of speeding cars as they crossed the road in front of the house. The woman has been deaf since the 1960s, but is still able to speak perfectly. She watched them as they crossed the road and disappear down towards a hollow area and on to the river. Some young people died soon after, she said.

In conclusion therefore, there is ample evidence that these little beings are around Native communities in New Brunswick as well as other Native places in the continent. As indicated earlier, a person's lot could be well rewarded in one situation, while the opposite or negative outcomes could result in another. It all depends on the attitude or the spirit taken when one sees the Geow-lud-mo-sis-eg.

If you happen to see one one day, be on the positive

TRIBAL TRUST RESOURCES

HBMI trust lands are located in southern Aroostook County in the towns of Houlton and Littleton and accommodate a residential community of more than 100 members of the Houlton Band of Maliseet Indians. The Administration, Health Department, Maintenance Shop, Housing Authority and a Gymnasium/Recreation Facility (under construction) are also located on trust lands. Tribal trust lands total approximately 804 acres of woodlands, agricultural fields, and wetlands, both forested and open. Water resources on tribal trust lands include three miles of the Meduxnekeag River, a one and a half acre pond, one and a half miles of streams, forty-five acres of wetlands, and five wells (see Attachment A - Map of HBMI Trust Lands).

Currently, there are no facilities on tribal lands that discharge effluent into any water body. Two facilities upstream from Tribal lands discharge effluent into the Meduxnekeag River (see Attachment B - Location Map)

WATER RESOURCE ISSUES

Clean water is a high priority for the Band. The Meduxnekeag River contributes significantly to the quality of life of Band members and is an integral part of their cultural heritage; Meduxnekeag is a Maliseet word that translates loosely as "At the edge of the bushes." In the Maliseet's historic and prehistoric past, the Tribe relied heavily on the St. John River and the tributaries of the St. John valley for sustenance and travel. Village sites were usually located on or near the river or its smaller tributaries. Evidence of prehistoric activities at least as old as 8,000 years exists in fields along the river. The Band chose to purchase trust land adjacent to the Meduxnekeag River and to site the new tribal community on a site with a view of the river.

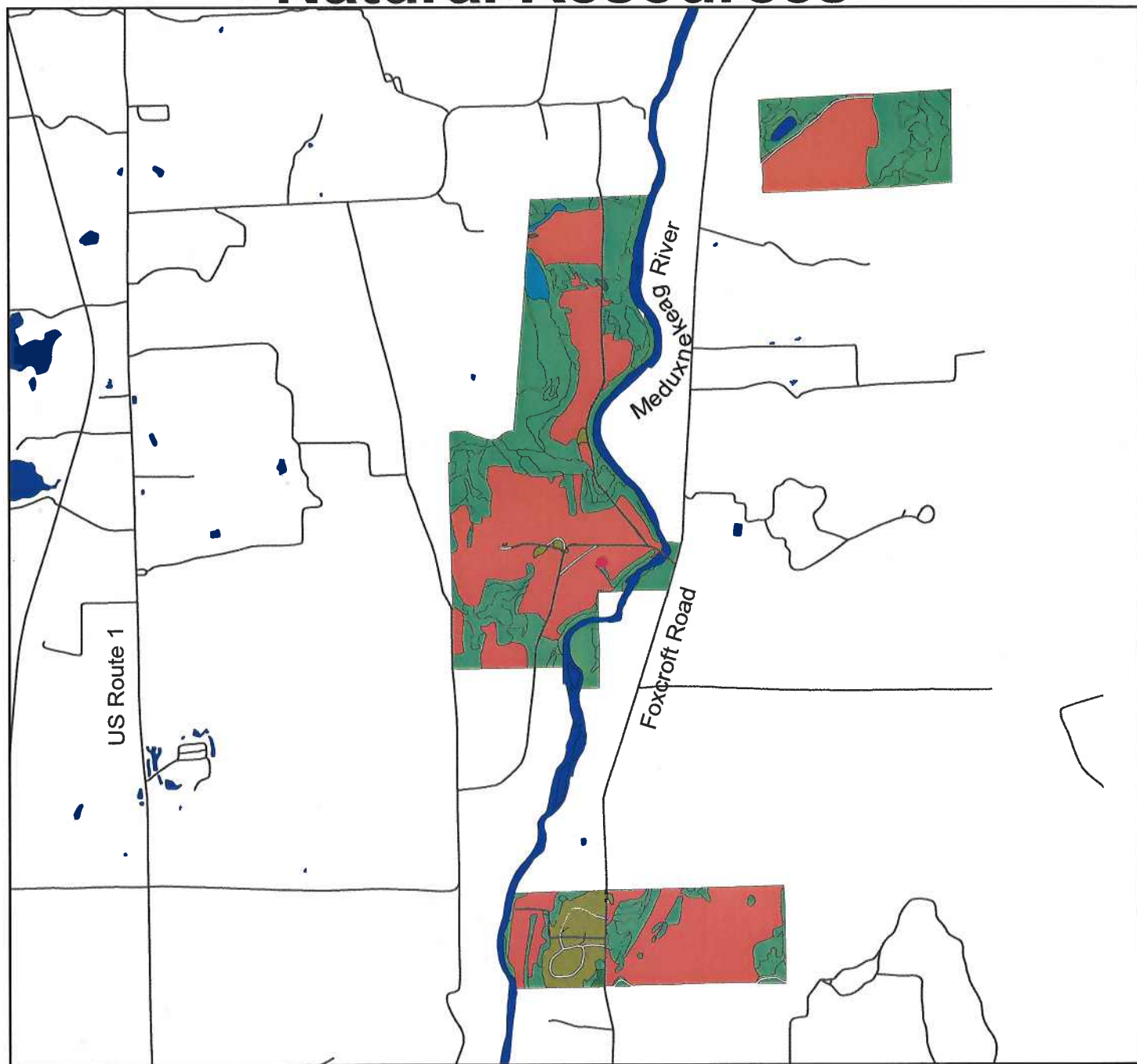
In 1995, the Maine Department of Environmental Protection (MDEP) noted in the "Appendices to the State of Maine 1994 Water Quality Assessment," under Attainment Status for 6 miles of the Meduxnekeag River in Houlton; that the "water quality model indicates that this water body segment may not be meeting the Class B but does attain Class C dissolved oxygen standard. *The causes of nonattainment are the discharge of municipal wastewater and agricultural activities within the watershed.*" MDEP also listed this section as a "priority" in the Table of Water Quality-Limited Rivers and Streams in Maine. *All tribal trust lands bordering the Meduxnekeag fall within this 6-mile stretch.*

HBMI's Water Resources Program has collected data that support these observations of water quality impairment (see Attachment C - graphed summary of 1999 dissolved oxygen data). These low levels of dissolved oxygen, recorded during the summer of 1999, demonstrate that the Meduxnekeag still does not meet its state classification, five years after MDEP first describes this nonattainment in a report. Yet neither MDEP nor just as significantly EPA, who currently runs the permitting program authorizing the waste water treatment plant's discharge and wherein lies a trust responsibility for the impaired water resources in question, has sufficiently addressed this nonattainment in the discharge permit. Both entities maintain that not enough data exist to indicate that such a reduction would significantly improve dissolved oxygen levels to require what they describe as a financially burdensome effort by the discharger. Neither entity has discussed with us how they intend to address this nonattainment.

HBMI lands border the Meduxnekeag River near the northern and downstream end of the watershed shortly before the River crosses the border into Canada. Thus, tribal trust lands are downstream of the vast majority of activities that impact water quality in the watershed. The Band has realized that much of its water quality problems originate off-reservation for some time. Band members have observed obvious/gross water quality problems presently existing in the stretch of the Meduxnekeag River that runs through HBMI lands and elsewhere in the Meduxnekeag watershed. These include high sediment loads that occur after snowmelt and after rain events all year long and the extensive algae growth that occurs during low water summer months.









HBMI is also concerned about toxic pollutants that may enter the watershed from both point and nonpoint sources and accumulate in the tissues of animal and plant life. Band members want to continue traditional activities such as fishing and gathering fiddleheads without fear of contamination (see Attachment D - State summary of DDT levels on fish samples taken from the Meduxnekeag River).

HBMI Trust Land Natural Resources



HBMI Trust Land

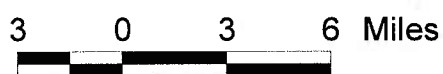
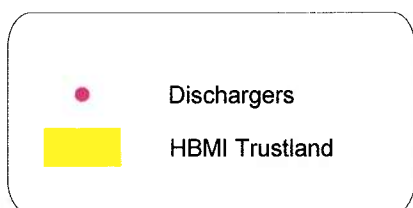
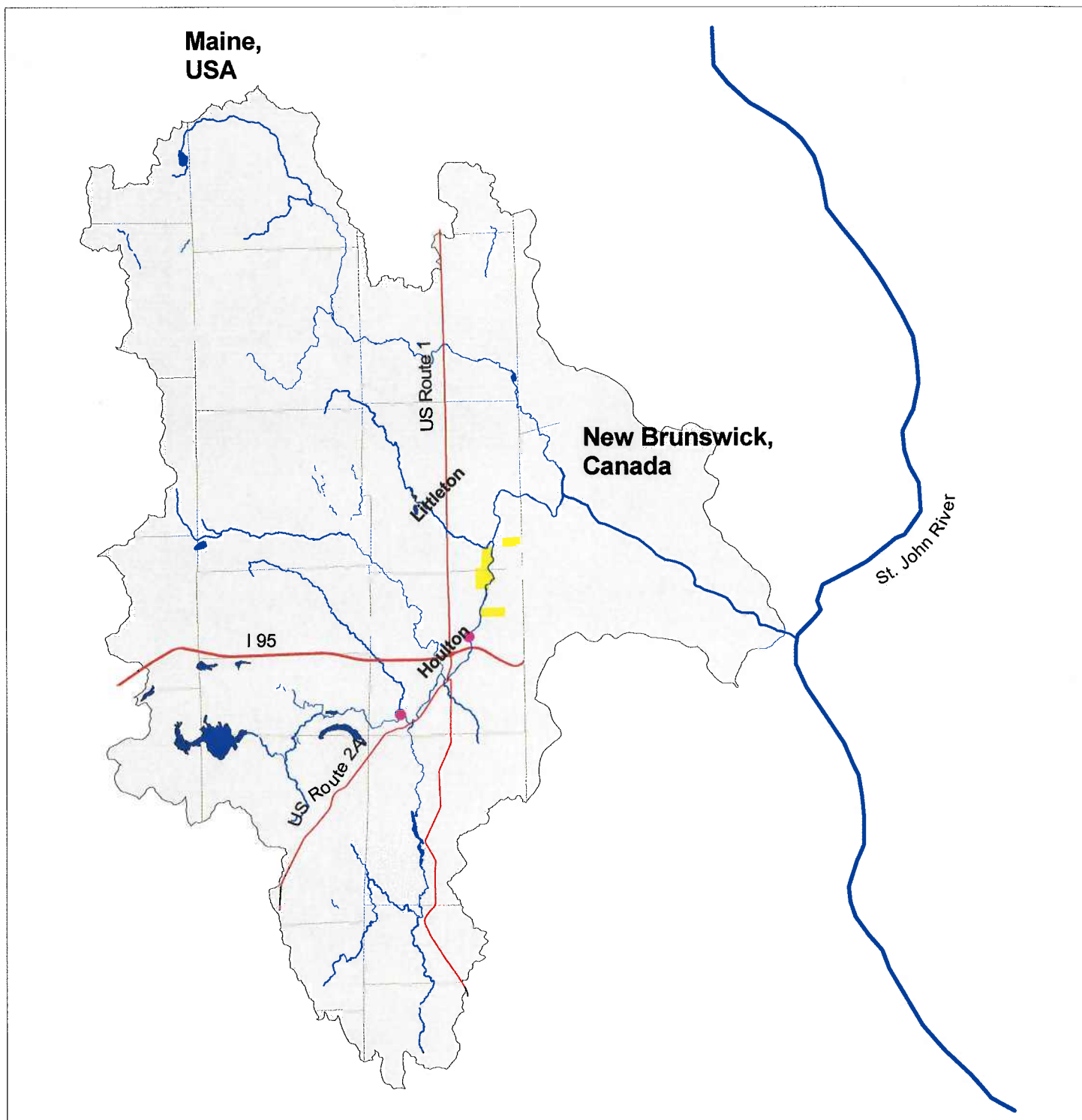
Land Type

	Agricultural		Roads
	Forested		Ponds & Rivers
	Residential/Governmental		Artificial Wetlands
	Other		
	Open Wetlands		

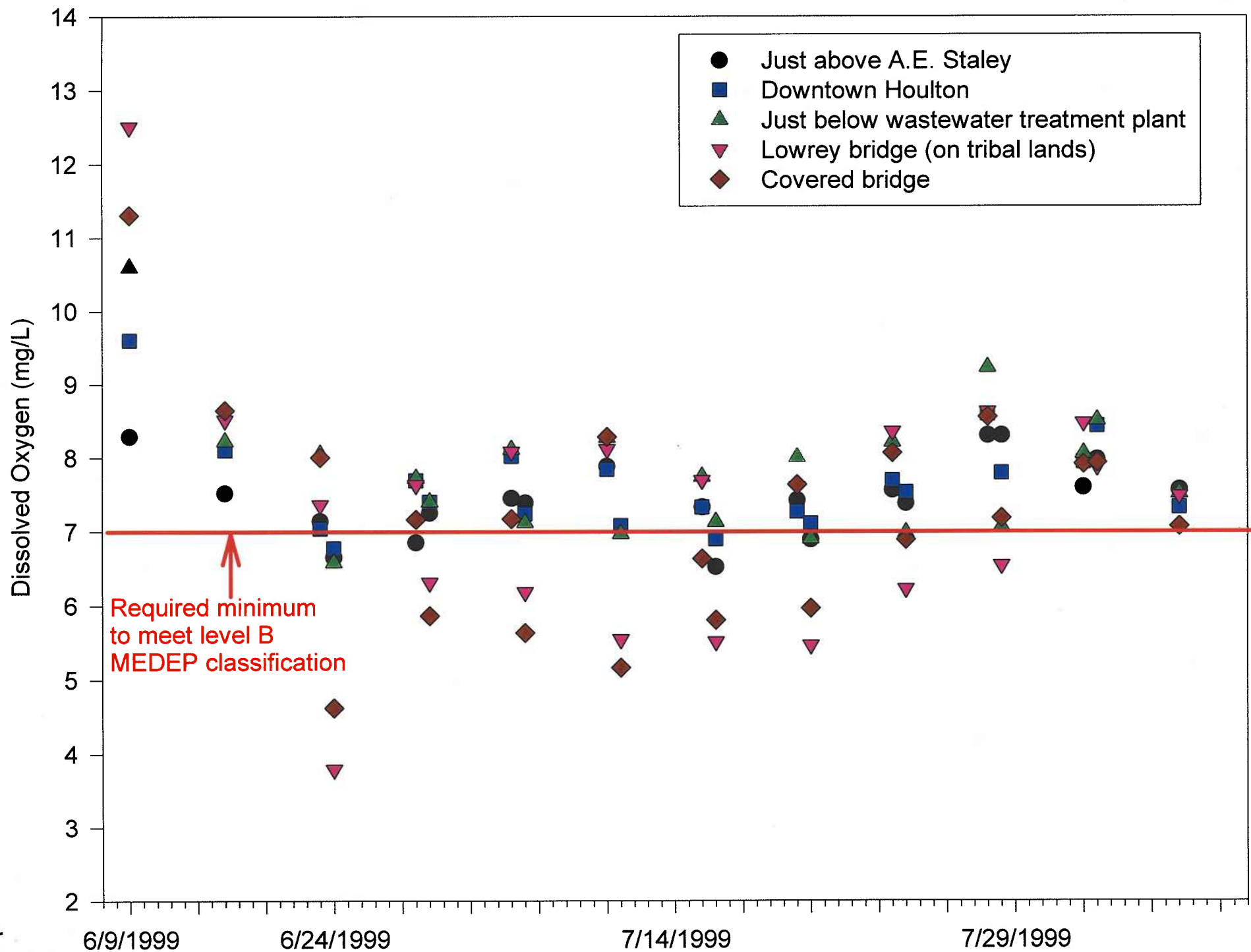


2000 0 2000 4000 Feet

Location of Upstream Dischargers



Attachment C



PESTICIDES IN 1995 FISH SAMPLES FROM MAINE RIVERS (ppb)							
WATER/STATION	SPECIES	N	Heptachlor epoxide	chlordane	DDT	Dieldrin	Mirex
critical levels			0.04R, 200W	0.4R, 370W	1R,200W	0.2R,22W	
GOOSEFARE BROOK							
Saco	eel	2	1.05-1.83	16.73-24.24	36.17-50.22	2.75-4.78	0-.65
GREAT WORKS RIVER							
N Berwick	brown trout	1	0-.66	.77-2.09	7.62-10.08	0-.66	0-.66
	eel	2	0-.67	13.50-13.49	28.69-30.70	1.70-1.70	0-.67
KENNEBEC RIVER							
Phippsburg	schoolies	2	0-.66	1.84-2.83	9.80-11.45	0-.66	0-.66
	legals	2	0-1.32	7.47-7.47	24.31-25.63	0-1.32	0-1.32
	blue fish	2	0-1.33	14.84-14.84	49.80-51.13	0-1.33	0-1.33
KENNEBUNK RIVER							
Arundel	brown trout	1	0-.66	.23-1.55	3.76-6.39	0-.66	0-.66
	eel	2	0-.66	1.57-2.89	17.15-19.12	0-.66	0-.66
LITTLE OSSIPPEE RIVER							
Limington	bass	2	0-.65	.56-1.86	3.37-5.98	0-.65	0-.65
MOUSAM RIVER							
Sanford (#1 Pond)	bass	2	0-1.32	.36-3.66	8.11-12.73	0-1.32	0-1.32
	sucker	2	0-1.31	6.69-6.69	25.12-49.71	0-1.31	0-1.31
Sanford (New Dam Rd)	bass	1	0-1.33	.84-3.49	12.44-16.42	0-1.33	0-1.33
	bass	1	0-1.32	.66-3.30	13.30-15.94	0-1.32	0-1.32
	sucker	2	0-1.32	6.11-6.11	69.59-70.91	0-1.32	0-1.32
MEDUXNEKEAG RIVER							
Houlton (Carys Mills)	brook trout	1	0-1.31	.36-2.98	34.53-35.84	0-1.31	0-1.31
	brown trout	1	0-1.31	.93-3.56	96.74-98.06	0-1.31	0-